

January 23, 2002

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Honorable Colleen Kollar-Kotelly

U.S. District Court, District of Columbia
C/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Boston Rotterdam Tokyo



Dear Judge Kollar-Kotelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in U.S. v Microsoft. It appears to violate antitrust law. Microsoft has a monopoly now and will be permitted to expand it with regard to emerging markets.

The fact that Microsoft is free to bolt financial services, cable services or even the internet to its Microsoft Windows is a great concern. As companies develop software they will be unable to address the issue of affordability due to the dependency on Windows technology to function.

Microsoft may not pay a vendor to keep them from developing or distributing software, that would compete, however Microsoft is the determining body when an exception is identified.. Likewise Microsoft must share technological information unless Microsoft determines the information may harm Microsoft security or software. In addition Microsoft, due to its monopoly and dominant market share, dictates the technologies, which will be compatible with Windows. Governments and corporations will be unable to choose high value systems they need for privacy and security if that compatibility does not exist.

Half of the technical committee will be appointed by Microsoft. The Department of Justice and Microsoft each appoint one member while they must agree on the third member. There is no question that companies will be less inclined to take on a monopoly when their future business may well depend on that company. Given that Microsoft will continue to be able to charge whatever it wants for its products, prices will skyrocket.

The technical committee of three must identify violations of the agreement. No findings may be admitted into court in enforcement proceedings and compliance is only for five years. This seems a short time for such a flagrant violation of antitrust law.

After many years of examining this important issue I would think a better solution could be found. I appreciate your interest. If there is any additional information with which I may be of assistance, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas R. Carroll".

Thomas R Carroll
PO Box 4797
264 Sandpiper Lane
Vineyard Haven, MA 02568

CC: Honorable Tom Reilly, Attorney General